

REMARKS/ARGUMENTS

Application Amendments

In the specification, paragraphs [0028] and [0036] of the U.S. Patent Application Publication No. 2006/0189696 would be amended to correct minor informalities, and the paragraph at page 9 would be amended to render it consistent with the application as filed.

By the amendments presented, Claim 1 would be rewritten to delete the language “having pharmaceutical properties,” and “of the acyl group(s) RCO.” Further by the amendment presented, Claim 1 would be rewritten to delete the language “and polyene chain-shortened *all-trans*-retinoic acid analogues.” Several other claims would be amended to correct informalities. Claim amendments are supported by the specification considered as a whole, e.g.; see page 2, paragraph [0008], paragraphs [0021], [0025] [0028] and [0029] U.S. Patent Application Publication No. 2006/0189696. New claims 8 and 9 are based on claims 3 and 5. The claim amendments and new claims would not introduce new issues and entry thereof into the record is respectfully solicited. Upon entry of the claim amendments presented herein, Claims 1-9 would remain in the application.

Oath/Declaration

The Examiner has asserted the oath to be defective. The Examiner contends that item (2) of 37 C.F.R. § 1.47(a) is not satisfied, because Applicants have not submitted enough evidence to constitute a written refusal.

The oath is corrected to satisfy item (2) of 37 C.F.R. § 1.47(a), because Applicants submitted sufficient evidence to establish an informed refusal by Dr. Tsambaos, an inventor, to join in the application. See the Request for Reconsideration of the Decision on Petition Under 37 C.F.R. 1.47 (a) (Filing When An Inventor Refuses To Sign) and Renewed Petition Under 37 C.F.R. §1.47 (a) filed on August 4, 2008.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 1-7 have been finally rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Examiner contends that each of the R groups is not an acidic or retinoic residue, but an alkenyl group. The Examiner further contends that Claim 1 contains functional language (“having pharmaceutical properties”) which renders the claim unclear as to whether it is a compound or a composition claim. Such a rejection is respectfully traversed.

Applicants respectfully submit that Claims 1-7 were definite prior to the amendments herein, because persons of ordinary skill in the art would have been able to easily understand the metes and bounds of the subject matter of the claims. However, in the interest of expediting prosecution, Applicants amended Claim 1 to address the Examiner’s concerns. By the amendments presented, Claim 1 would be rewritten to delete the language “having pharmaceutical properties.” Although one of ordinary skill in the art would recognize that each R group of Claim 1 is a retinoid residue, Claim 1 would be rewritten to delete the language “of the acyl group(s) RCO.”

Further by the amendment presented, Claim 1 would be rewritten to delete the language “and polyene chain-shortened *all-trans*-retinoic acid analogues.” The acidic retinoids as described, for example, in paragraph [0028] of the U.S. Patent Application Publication No. 2006/0189696, *inter alia*, include polyene chain-shortened *all-trans*-retinoic acid analogues and all *trans*-retinoic acid. It would seem redundant to repeat this language in Claim 1. Therefore, all acidic retinoids of Figure 2 and retinoid residues as defined in the claims and specification of the U.S. Patent Application Publication No. 2006/0189696 would continue to be covered by the herein - amended claim 1.

Applicants’ undersigned representative held two telephone interviews with the Examiner on July 8 and 9, 2008, during which Applicants proposed amendments of claim 1 set forth above. The Examiner said that the proposed claim amendments will render all claims allowable, subject to the approval of his supervisor. Applicants appreciate the Examiner’s attention to this application.

In a telephone conversation with the Examiner on May 22, 2008, the representative asked if the Examiner would consider a supplemental Information Disclosure Statement, including full copies of Kuksa et al. and BLAGBROUGH, IAN S. et al., Polyamines and Polyamine Amides as Potent Selective Receptor Probes, Novel Therapeutic Lead Compounds and Synthetic Vectors in Gene Therapy, Pharmaceutical Sciences, 1997, 3; 223-233, and an English translation or meaningful Abstract of TSAMBAOS, DIONYSIOS. All three of these references were cited in the IDS filed on March 21, 2008. The Examiner advised he would consider such IDS. Applicants enclose a Supplemental IDS including the documents listed in it and respectfully request consideration thereof.

For all the reasons set forth above, it is respectfully submitted that amended Claims 1-7, would continue to be definite. Therefore, withdrawal of the rejection of these claims under 35 U.S.C. § 112, second paragraph, is respectfully solicited.

Restriction Requirement

Applicants note an implicit rejoinder during prosecution of Group IV with Group I, as these two Groups were defined in the Office Action of July 20, 2007. In particular, in the July 20, 2007 Office Action, the Examiner required that Applicants elect for prosecution one of the following groups of claims:

Group I, claims 1-7 drawn to compounds, compounds and methods wherein variables as R^1 , R^3 , R^4 , R^5 , or R^6 as defined in claim 1 and the polyamine is chosen from section A or D of claim 1.

Group II, claims 1-7, drawn to compounds, compounds and methods wherein variables as R^1 , R^3 , R^4 , R^5 , or R^6 as defined in claim 1 and the polyamine is chosen from section B of claim 1.

Group III, claims 1-7, drawn to compounds, compounds and methods wherein variables as R^1 , R^3 , R^4 , R^5 , or R^6 as defined in claim 1 and the polyamine is chosen from section C of claim 1.

Group IV, claims 1-7 drawn to compounds and compositions, wherein variable R is defined as R^2 as defined in claim 1 and the polyamine is chosen from section

A or D of claim 1.

Group V, claims 1-7, drawn to compounds and compositions, wherein variable R is defined as R² as defined in claim 1 and the polyamine is chosen from section B of claim 1.

Group VI, claims 1-7, drawn to compounds and compositions, wherein variable R is defined as R² as defined in claim 1 and the polyamine is chosen from section C of claim 1.

Office Action, pages 1-2.

In response to the July 20, 2007 Office Action, Applicants respectfully disagreed and traversed the Restriction Requirement. In order to be fully responsive to the Restriction Requirement, Applicants elected the subject matter of Group I for prosecution on the merits, represented by claims 1 -7 compounds, compounds and methods, where variables R¹, R³, R⁴, R⁵, or R⁶ were as defined in claim 1 and the polyamine was selected from section a) or d) of claim 1.

In a Response and Amendment Under 37 C.F.R. §1.111 to Non-Final Office Action and Petition For One Month Extension Of Time filed on January 17, 2008, responsive to the Office Action of September 17, 2007, Applicants deleted from claim 1 the non-elected sub-parts b) and c) of claim 1, but inadvertently retained all six retinoid residues, R¹, R², R³, R⁴, R⁵ and R⁶. As noted above, residue R² (along with sub-parts a) or d))) was included in the Restriction Requirement in Group IV.

Claim 1 including retinoid residues R¹, R², R³, R⁴, R⁵ and R⁶ (along with all other pending claims) was examined on the merits in the Office Action of May 12, 2008. Thus, Group IV was rejoined with Group I.

Since Groups I and IV were examined, the examination did not involve undue burden. Applicants respectfully request that Groups I and IV continue to be included in prosecution of the application.

CONCLUSIONS

Applicants have made an earnest effort to place their application in condition for allowance. WHEREFORE, reconsideration of this application, entry of the claim amendments presented, at least withdrawal of the finality of the instant Office Action, but more preferably also complete withdrawal of the claims rejection under 35 U.S.C. §112, second paragraph, and allowance of Claims 1-9, are respectfully requested. Alternatively, entry of the amendments presented herein in order to place the claims in better form for appeal is respectfully requested.

It is also respectfully requested that the Examiner expeditiously notify Applicants' undersigned attorney as to the disposition of the amendments and arguments presented herein in accordance with MPEP §714.13. If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated, since this should expedite the prosecution of the application for all concerned.

An indication of allowance of all claims is respectfully requested.

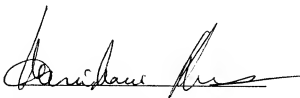
Authorization is hereby granted to charge or credit the undersigned's Deposit Account No. 50-2478 for any fees or overpayments related to the entry of this Amendment.

Respectfully submitted,

ROBERTS MLOTKOWSKI SAFRAN & COLE P.C.

Date:

September 12, 2008



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September 12, 2008